

INITIAL STUDY

PROJECT FILE NO.: PDC03-046

PROJECT DESCRIPTION: Planned Development Prezoning from the County of Santa Clara to A(PD) Planned Development Zoning District to allow 15 single-family attached residential units on a 1.02 gross acre site

PROJECT LOCATION: Southside of Curtner Avenue approximately 630 feet westerly of Bascom Avenue

GENERAL PLAN DESIGNATION: Medium Low Density Residential

ZONING: Unincorporated

SURROUNDING LAND USES: The uses surrounding the subject site include residential uses to the south, east, west and north across Curtner Avenue, and commercial uses to the east.

PROJECT APPLICANT'S NAME AND ADDRESS: Que Nadir, Recon Development, P.O BOX 3209, SARATOGA, CA- 95070

DETERMINATION

On the basis of this initial study:

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. |
| <input checked="" type="checkbox"/> | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared. |
| <input type="checkbox"/> | I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required. |
| <input type="checkbox"/> | I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document. |
| <input type="checkbox"/> | I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required. |

Date

Signature

Name of Preparer: Dipa Chundur

Phone No.: (408) 277-4576

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
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I. AESTHETICS - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|-----|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| e) Increase the amount of shade in public and private open space on adjacent sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |

FINDINGS: The project site is a flat site and will require minor grading. Any grading included in the project will be a minor amount, and will not have an impact on the adjacent commercial uses. Landscaping will be planted to enhance the visual character of the proposed development. The site is currently developed with one single-family detached house and accessory structures. The site is surrounded by residential developments.

MITIGATION MEASURES: None required.

II. AGRICULTURE RESOURCES - Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|-------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,3,4 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,3,4 |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,3,4 |

FINDINGS: No Impact. The site is currently developed with two single-family residences and a garage, and has not been used for farming or grazing in the recent past, and is not designated as 'Farmland' on the Important Farmlands Map of Santa Clara County. The project site is located within the City's Urban Service Area and is designated on the General Plan as Medium Low Density Residential.

MITIGATION MEASURES: None required.

III. AIR QUALITY - Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,14 |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,14 |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,14 |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,14 |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,14 |

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FINDINGS: The proposed 15 unit residential project will not create significant adverse impacts on air quality or contribute to an existing or projected air quality violation. The San Jose General Plan EIR recognizes and addresses cumulative air quality impacts resulting from buildout consistent with the San Jose 2020 Land Use /Transportation Diagram. However, there will be temporary impacts from the dust generated during construction activities. Construction will cause dust emissions that could have a significant temporary impact on local air quality and contribute sources to regional air quality.

MITIGATION MEASURES: Prudent precautions will be taken to minimize short term air quality impacts during construction activities. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices should be implemented during all phases of construction on the project site:

- Use dust-proof chutes for loading construction debris onto trucks
- Water to control dust generation during demolition of structures and break-up of pavement
- Cover all trucks hauling demolition debris from the site
- Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind
- Cover all trucks hauling soil, sand, or other loose materials, or require trucks to maintain at least two feet of freeboard
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways
- Replant vegetation in disturbed areas as quickly as possible.

With the inclusion of these mitigation measures, the short-term air quality impacts associate with construction will be reduced to less-than-significant levels.

BIOLOGICAL RESOURCES - Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,10,25 |
| b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,6,10,25 |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,6,25 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,10,25 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,11,25 |

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|--|---------------------------------------|---|-------------------------------------|-------------------------------------|----------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,25 |

FINDINGS: No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site. The project site is surrounded by urban development. The site has a total of 22 trees of varying species and sizes. The proposed development will result in removal of 15. Eight of those trees are ordinance sized multi-trunk trees that cumulatively measure individually 56 inches in circumference or greater. Anderson's Tree Care prepared an arborist report titled "Inventory and tree retention strategies".

MITIGATION MEASURES: Trees to remain shall be safeguarded during construction by a Tree Protection Plan, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees only as approved, and prevention of drying out of exposed soil where cuts are made; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees, as outlined in the City's Tree Ordinance, that shall be approved by the Director of Planning prior to the issuance of a grading permit. The recommendation in the arborist report shall be followed during and after construction. Standard conditions for the replacement for trees removed on the project site will be included as follows: trees 18" in circumference or greater = 4:1 24" box; trees 12-18" in circumference = 2:1 15 gallon; each trees less than 12" in circumference = 1:1 15 gallon.

IV. CULTURAL RESOURCES - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|-----|
| a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,7 |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,8 |
| c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,8 |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,8 |

FINDINGS: The project site is not located within an archaeologically sensitive area.

MITIGATION MEASURES: The following standard condition shall be included in the permit and land use plan to reduce any impacts to archaeological resources to less than significant levels:

Archaeology. Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-enter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

V. GEOLOGY AND SOILS - Would the project:

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| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
|--|--|--|--|--|--|

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|---|---------------------------------------|---|-------------------------------------|-------------------------------------|----------------------------|
| 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1,5,24 |
| 2) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,5,24 |
| 3) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,5,24 |
| 4) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,5,24 |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,5,24 |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,5,24 |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,5,24 |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,5,24 |

FINDINGS: The nearest fault Shannon Fault is 5 miles from the site. The project site is located within the State of California Seismic Hazard Zone and would result in significant soils and geologic impacts given the site is within seismically active San Francisco Bay Area and severe ground shaking could occur during a large seismic event.

MITIGATION MEASURES: The project shall be designed and constructed to ensure structural stability as required by the earthquake design regulations of the Uniform Building Code.

VI. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,12 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |

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|--|---------------------------------------|---|-------------------------------------|-------------------------------------|----------------------------|
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |

FINDINGS: No impact. The project does not propose the use or storage of hazardous materials or toxic gases.

MITIGATION: None required.

VII. HYDROLOGY AND WATER QUALITY - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,15 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| d) Result in increased erosion in its watershed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| f) Substantially alter drainage patterns due to changes in runoff volumes and flow rates? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| g) Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and the City's Post Construction Urban Runoff Management Policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| h) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,17 |
| i) Result in an increase in pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,17 |
| j) Result in an increase in any pollutant for which the water body is already impaired as listed on the Clean Water Act Section 303 (d) list available from the State Water Resources Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| k) Result in alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| l) Substantially alter surface water quality, or marine, fresh, or wetland waters as specified in the NPDES permit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| m) Substantially alter ground water quality as specified in the NPDES permit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| n) Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses as specified in the NPDES Permit, General Plan, and City policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

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|--|---------------------------------------|---|-------------------------------------|-------------------------------------|----------------------------|
| o) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| p) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,9 |
| q) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,9 |
| r) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| s) Be subject to inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |

FINDINGS: The proposed project is a small project and will not have a substantial adverse impact on, degrade water quality or alter existing drainage patterns. The site is not located within a designated 100-year floodplain. However, the increased amount of on-site impervious surface resulting from the project may affect the on-site drainage or increase the amount of runoff from the site.

MITIGATION MEASURES: The project shall incorporate mitigation measures to minimize urban run-off. The mitigation measures include a storm water run-off management plan for construction activities to the satisfaction of the Department of Public Works, and compliance with all applicable City, Local, Regional, State and Federal laws. The project shall conform to the City of San Jose National Pollution Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in the *Blueprint for a Clean Bay* to control the discharge of storm water pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City project Engineer. The Erosion Control Plan may include BMPs as specified by the Association of Bay Area Governments' Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City's storm drainage system from construction activities. For above, please call the Department of Public Works at (408) 277-5161.

VIII. LAND USE AND PLANNING - Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|-----|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |

FINDINGS: The project is consistent with the site's San Jose 2020 General Plan Land Use/ Transportation Diagram designation of Medium Low Density Residential.

MITIGATION MEASURES: None required.

IX. MINERAL RESOURCES - Would the project:

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| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,23 |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------|

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|---|---------------------------------------|---|-------------------------------------|-------------------------------------|----------------------------|
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,23 |

FINDINGS: No impact. The City of San Jose does not have any identified important mineral resources within its corporate boundaries

MITIGATION MEASURES: None required.

X. NOISE - Would the project result in:

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|---------------|
| a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,13,18, 26 |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 26 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 26 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 26 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 26 |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 26 |

FINDINGS:

There will be temporary noise impacts resulting from construction of the project, conditions will be placed in the permit to ensure that the construction of the project is consistent with the General Plan requirements for noise levels and Zoning Ordinance for construction hours limitations. An acoustical Study was conducted by Environmental Consulting Services

MITIGATION MEASURES:

A condition is placed on the land use plan as well as subsequent development permit as follows: Noise Mitigation. Construction of all structures approved by this permit shall include implementation of the noise mitigation measures identified in the noise report dated July 8, 2003, prepared by Environmental Consulting Services, as required by the Director of Planning, Building and Code Enforcement. The recommendations per the Noise report are

- Windows. Windows must have an STC rating of at least 20DB. Standard openable double-glazed thermal windows, with two 1/8" lights separated by a 1/4" to 1/2" air space and good weather seals, typically have a rating of at least 28 STC and are clearly acceptable.
- Exterior Doors. Entrance doors and sliding glass doors for the closest units should meet an STC rating of 20 to match the overall reduction criteria. Solid wood doors or paneled doors (1 3/4") with good weather seals providing 21-23 dB of noise reduction would clearly be acceptable.
- Party Wall Assemblies. For minimizing noise transmitted between attached residential units, the party wall assembly should have several inches of air space, fiberglass insulation and minimal structural connections, in order to meet the 50 dBA STC requirement. In addition, any fire stops between units should not provide a strong structural connection. That is, they should be of lightweight material, such as sheet metal or fiberglass, which cannot conduct low frequency sound and vibration between units.

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
|---------------|---------------------------------------|---|-------------------------------------|------------------|----------------------------|
|---------------|---------------------------------------|---|-------------------------------------|------------------|----------------------------|

- Ventilation. Mitigation of outside traffic noise is based upon windows that are closed in order to provide the required noise protection. Therefore, all units, particularly those units nearest the traffic noise sources producing the primary noise, must have a ventilation system that provides a habitable interior environment with the windows closed, regardless of outside temperatures. In addition, if air condition units are installed, the noise levels produced by the AC units must not themselves cause a noise problem for any of the residential units associated with the project or adjacent residential properties.
- Outdoor noise Protected Area. The City of San Jose encourages new residential multifamily projects to have outdoor noise-protected areas with noise levels of 55 dBA Ldn or less. Most units at the project site would have low noise levels of 55 dBA Ldn or less in their back yard areas, since they are protected both by the other residential structures and the fences around the backyards, and also by substantial distance to the roadway. The back patio of the unit adjacent to Curtner Avenue is has less protection for its outdoor backyard area, However, an eight foot solid wood fence around the back yard would provide 5-6 dBA of noise reduction, achieving backyard noise levels of about 56-58 dBA Ldn.
- General Design and Construction Practices. Good noise design must be implemented by good field construction practices or the design performance will not be achieved. This includes minimizing all penetrations of and connections between party wall and floor/ceiling assemblies, and acoustical sealant around any necessary penetrations.

Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Interior finishing work that does generate any audible noise outside the proposed buildings may be permitted on weekends from 8:00 a.m. to 7:00 p.m.

XI. POPULATION AND HOUSING - Would the project:

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|-----|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |

FINDINGS: The project under evaluation is consistent with the San Jose 2020 General Plan, for which an EIR was prepared and adopted under resolution numbers 65458.1 & 65459 by the San Jose City Council on August 16, 1994. The General Plan EIR evaluated cumulative impacts to population & housing that would result from its implementation. As the project is consistent with the General Plan, it is not considered to have any additional impacts in this category beyond those addressed within the General Plan EIR

MITIGATION MEASURES: None required.

XII. PUBLIC SERVICES - Would the project:

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|-----|
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | |
| Fire Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
|--------------------------|---------------------------------------|---|-------------------------------------|-------------------------------------|----------------------------|
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| Other Public Facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |

FINDINGS: The infill project would not have significant impacts to public services because it will urbanize an underutilized site in conformance with the San Jose 2020 General Plan

MITIGATION MEASURES: None required.

XIII. RECREATION

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|-----|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2 |

FINDINGS: The project under evaluation is consistent with the San Jose 2020 General Plan, for which an EIR was prepared and adopted under resolution numbers 65458.1 & 65459 by the San Jose City Council on August 16, 1994. The General Plan EIR evaluated cumulative impacts to recreation facilities that would result from its implementation. In addition, the project will comply with the City's Parkland Dedication and Park Impact Ordinances, Chapters 19.38 and 14.25 of the San Jose Municipal Code. These ordinances require new residential developments to either dedicate parklands or pay in-lieu fees in order to provide sufficient recreational facilities for City residents.

MITIGATION MEASURES: None required.

XIV. TRANSPORTATION / TRAFFIC - Would the project:

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,19 |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,19 |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,19 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,19 |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,20 |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,18 |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,18 |

FINDINGS: The small (15-unit) residential project will not result in a substantial increase in traffic trips in relation to the existing load capacity to the traffic system. The project will not result in an increase in safety hazards or result in inadequate emergency access. Parking for the project will be provided in conformance with the specifications of the Residential Design Guidelines.

MITIGATION MEASURES: None required.

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
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XV. UTILITIES AND SERVICE SYSTEMS - Would the project:

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,15 |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,2,21 |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,17 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,22 |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,21 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,21 |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,21 |

FINDINGS: The proposed project will not exceed wastewater treatment requirements, require construction of new water or wastewater facilities or result in construction of new stormwater facilities. The project will be served by existing solid waste facilities and will be in compliance with all applicable federal, state and local regulations related to solid waste. As indicated on the General Development Plan the proposed project shall conform to Chapter 15.2 of the San Jose Municipal Code, Water Pollution Control Plan.

MITIGATION MEASURES: None required.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|------|
| a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,10 |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1,16 |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1 |

FINDINGS: All potentially significant impacts associated with the project will be reduced to less than significant levels with mitigation incorporated into the project. There will be no cumulative impacts as a result of the project.

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
|---------------|---|---|---|----------------------|--------------------------------|
|---------------|---|---|---|----------------------|--------------------------------|

MITIGATION MEASURES: None required.

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC03-046
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Arborist Report, Anderson's Tree Care, July 2003
26. Acoustical Study, Environmental Consulting Services, July 8, 2003.